



**JAMMU MUNICIPAL CORPORATION**  
**TOWN HALL, JAMMU.**

**ORDER**

Whereas, Sh. Vinod Kumar Jr. Asstt. of Jammu Municipality (now Municipal Corporation, Jammu), as per the records available, was placed under suspension vide order No. MCJ/H/1414-17 dated 24.12.1988 having remained absent from duties and evading election duty thereof;

Whereas, the said official was reinstated w.e.f. 27.02.2001 vide order No. MJ/Estt/7737-39 dated:11.01.2005 and the period of unauthorised absence w.e.f 23.12.1988 to 26.02.2001 was treated as "Dies-Non" in terms of Article 163 of J&K CSR's Govt. instructions below note 4, vide SRO 321 dated:7.12.1995 and the period from 27.02.2001 was treated as on duty.

Whereas, the order No. MJ/Estt/7737-39 dated:11.01.2005 by virtue of which the petitioner Sh. Vinod Kumar was reinstated provides that as per the records, enquiry was conducted in the case of absence of Sh. Vinod Kumar and vide inquiry report, he was found guilty of remaining absent from duties and;

Whereas, Sh. Vinod Kumar filed SWP No. 652/2005 titled Vinod Kumar V/s Jammu Municipal Corporation & others wherein petitioner, *inter-alia* sought the issuance of a writ of certiorari for quashing the order dated 11.01.2015 issued by the Executive Officer, Municipal Corporation, Jammu whereby the Executive Officer passed an order of 'Censure' on account of the unauthorised absence of the petitioner and directed the period of his unauthorised absence from 23.12.1988 to 26.02.2001 to be treated as 'Dies- Non'and;

Whereas, the said writ petition was disposed of vide order dated 11.12.2015, of the Hon'ble High Court, the operative part, whereof, is reproduced as under:-

- i. Order dated 11.01.2005 is quashed. The official respondents shall hold a fresh enquiry in accordance with law and provide adequate opportunity to the petitioner to participate in the same.
- ii. The enquiry shall be concluded and the appropriate orders passed positively within a period of three months from today.

*M.P.*  
*[Signature]*

iii. The commissioner, Municipal Corporation, Jammu to ensure that these directions are complied with in letter and spirit.

Whereas, in compliance to Hon'ble High Court Order dated 11.12.2015, the Secretary, JMC was appointed as enquiry officer vide order No. MJ/Estt/5916-21 dated 27.08.2016 and;

Whereas, the petitioner was called vide communication No. MJ/Estt/6705 date 10.09.2016 in connection with enquiry initiated in compliance to Hon'ble High Court order mentioned above and :

Whereas, the petitioner refused to receive the letter of enquiry officer dated 10.09.2016 as reported by summon server of JMC to get the letter served to the petitioner and;

Whereas, a detailed questionnaire, vide No. MJ/Estt/7183-84 dated 21.09.2016, was issued to the petitioner asking him to submit written reply and;

Whereas, the petitioner submitted written response to letter MJ/Estt/7183-84 dated:21.09.2016 on 28.09.2016 and also an opportunity was given to express in respect of his claim being present and having performed duties w.e.f 23.12.1988 to 26.02.2001 i.e the period which was treated as dies- non and;

Whereas, the matter was examined in totality and to ascertain the fact, whether Sh. Vinod Kumar, the then Jr. Assistant had performed duties in cattle pond or any other section of JMC, all section heads of JMC were also directed to intimate the details of period during which the petitioner Sh. Vinod kumar had performed duties in their respective sections and;

Whereas, all section heads of Jammu Municipal Corporation reported vide their respective office No's viz Executive Engineer (E) under No. MJ/Xen/E/Div/993 dated:24.06.2017, Chief Transport officer under No. JMC/TPT/353 dated:29.06.2017, Chief Accounts Officer under No. MJ/Acctts/950 dated:30.06.2017, Asstt. Commissioner (rev.) under No. JMC/RB/841 dated:30.06.2017, Election Naib Tehsildar under No. ENT/JMC/2017/151 dated: 30.06.2017, Executive Engineer (T) under No.MJ/Tech/T/1331 dated: 30.06.2017, Chief Enforcement officer/ Enforcement officer under No. MJ/CEO/157 dated: 1.07.2017, Health Officer JMC under No. MCJ/H/943 dated: 5.07.2017, Executive Engineer (C) under No. MJ/17-18/Tech/C/409-10 dated:6.07.2017, Spl. Assistant to Commissioner under No. MJ/Estt/3951 dated: 22.08.2017, Joint Commissioner (W) under No. MJ/JC/W/1490 dated: 24.08.2017, Dy.

Director Planning under No. JMC/Plan/2017-18/335 dated: 24.08.2017,  
Senior Town Planner under No. 813/BS/2017 dated: 24.08.2017 and  
Horticulture section dated: 24.08.2017, that the said official did not attend  
/ performed duties in their respective sections and;

Whereas, the Municipal veterinary officer vide No. VPHS/MVO/134  
dated:27.06.2017 also clearly reported that the said official did not attend /  
performed duties w.e.f 23.12.1988 to 26.02.2001, the period for which  
petitioner claimed to have remained present and;

Whereas, the enquiry officer had submitted the final enquiry report  
vide No. MJ/Estt/4054 dated:26.08.2017 and by placing reliance on report  
of controlling officers as well as documentary evidences available thereby  
corroborating the report to the extent that Sh. Vinod Kumar, petitioner  
neither attended any office of JMC nor performed duties during the period  
in question. As such the order issued vide No. MJ/Estt/7737-39 dated:  
11.01.2005 for treating the period w.e.f 23.12.1988 to 26.02.2001 as dies-  
non seems to be genuine.

Now, therefore in compliance to the order/ judgment dated  
11.12.2015 passed in SWP no. 652/2005, matter has been enquired afresh  
and as per the report of the inquiry officer, the claim of the petitioner is not  
sustainable and the period of un-authorized absence w.e.f 23.12.1988 to  
26.02.2001 can't be considered otherwise except Dies-non in terms of the  
rules in vogue.

*M. Raju*  
22/9/17

(M.Raju)IAS  
**Commissioner**  
Municipal Corporation  
Jammu

No: JMC/ Legal/170-71  
Dated: 25-9-2017

Copy to the:

1. Sh. Vinod kumar (petitioner)S/O Dwarka Nath R/O H.No. 129, Kali  
Janni Jammu. for inf.
2. In-charge website JMC for uploading.

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